

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOMMY ROY KEETON,

Plaintiff,

No. CIV S-04-0758 GEB EFB P

vs.

DEMARS FORSYTHE,

Defendants.

ORDER

Plaintiff is a prisoner without counsel suing for alleged civil rights violations. *See* 42 U.S.C. § 1983. On November 14, 2007, the court found that plaintiff failed to file an opposition to defendants' motion to dismiss and recommended that this action be dismissed without prejudice. On November 13, 2007, plaintiff delivered his opposition to prison officials for delivery to this court, and the opposition was entered into the docket on November 15, 2007. Accordingly, plaintiff has filed an opposition to the motion to dismiss.

Accordingly, it is ORDERED that the November 14, 2007, findings and recommendations are vacated and defendants' motion to dismiss is submitted. *See* Local Rule 78-230(m).

Dated: December 3, 2007.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE